

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 29, 1999

DIVISION ONE

B126996 People (Not for Publication)
v.
Fernandez, Jr., et al.

The judgments are affirmed and the cause is remanded to the trial court with directions to issue corrected abstracts of judgment to show that, as to both defendants, the parole revocation fines imposed at the time of sentencing are suspended until such time, if ever, that they become relevant.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

B128690 People (Not for Publication)
v.
Lozano

The judgment is affirmed, and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment reflecting all fines that were pronounced at the time Lozano was sentenced.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

DIVISION ONE (Continued)

[illegible]

The appeal is dismissed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B119303	Aradi, Ltd., et al.	(Not for Publication)
	v.	
	Mansi et al.	

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B117049 Perera et al. (Not for Publication)
v.
Windsor et al.

The appeal is dismissed. The Windsors are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

DIVISION ONE (Continued)

B125968 Rashti et al. (Not for Publication)
 v.
 Davidson

The order (judgment) is affirmed. Davidson is entitled to his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Masterson, J.

B127098 People (Not for Publication)
 v.
 Perkins

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

B128500 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Monica D.

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Masterson, J.

DIVISION ONE (Continued)

B122777 Hanson
v.
Grode et al.

Filed order modifying opinion; certification for publication. (No change in the judgment)

B132429 People (Not for Publication)
v.
McNair

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B107031 Gomez et al. (Not for Publication)
v.
Dinwiddie Construction Company et al.

The judgment is affirmed. The appeal from the order denying plaintiffs' motion for new trial is dismissed. Defendants are to recover costs on appeal.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

DIVISION ONE (Continued)

B125690 Zomorodian et al. (Not for Publication)
 v.
 Poursaid

The (1) orders of February 5, 1998 (including but not limited to the order striking Poursaid's answer, dismissing his cross-complaint, authorizing the entry of his default, and imposing monetary sanctions), (2) the August 17, 1998, entry of Poursaid's default, and (3) the August 17, 1998, default judgment against Poursaid are reversed, and the cause is remanded to the trial court with directions (1) to specify the date by which the Zomorodians shall answer Poursaid's third amended cross-complaint and (2) to thereafter set the case on track for trial. Poursaid is awarded his costs of appeal

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Masterson, J.

B129582 Kim (Not for Publication)
 v.
 Sun et al.

The (1) order denying the motion to vacate the default and (2) the default judgment are affirmed. Kim is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Masterson, J.

B128343 People (Not for Publication)
 v.
 Dowden

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Masterson, J.

November 29, 1999-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

B131180 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Michelle M.
Glenn G., et al.

The orders are affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

B127083 People (Not for Publication)
v.
Fitzpatrick

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

DIVISION TWO

B124853 People
 v.
 Curtis

Filed order modifying opinion. (Change in judgment)

B108549 People (Not for Publication)
 v.
 Canada

The matter is remanded for resentencing consistent with this opinion. In all other respects the judgment is affirmed.

Zebrowski, J.

I concur: Boren, P.J.
I dissent: Mallano, J. (Assigned) (Opinion)

B124758 People (Not for Publication)
 v.
 Williams

The judgment is modified to reflect the imposition and the suspension of a \$7500 parole revocation fine under section 1202.45. The superior court is directed to prepare an amended abstract of judgment to reflect these modifications. The judgment is affirmed in all other respects.

Zebrowski, J.

I concur: Nott, J., Acting P.J.
I dissent: Mallano, J. (Assigned) (Opinion)

DIVISION TWO (Continued)

B119524 Benetic Financial Corporation, Inc. (Not for Publication)
 v.
 Wedgwood Retirement Ins., Inc., et al.

The judgment is reversed. Appellant(s) to recover costs.

Zebrowski, J.

We concur: Nott, Acting P.J.
 Mallano, J. (Assigned)

B120830 People (Not for Publication)
 v.
 Robertson et al.

The Court:

As to Williams, the judgment is affirmed. As to Roberson, the judgment is modified to reflect a consecutive sentence of thirty-five years to life with a one-year, four-month firearm use enhancement on count 2; to reflect enhancements of four months rather than one year, four months on counts 8 and 9; and to reflect an enhancement of five years rather than four years on count 3. The abstract of judgment is to be corrected to so reflect. In all other respects, the judgment is affirmed.

Nott, Acting P.J, Zebrowski, J.
Mallano, J. (Assigned) (Dissenting Opinion)

B133165 People (Not for Publication)
 v.
 Landers

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Cooper, J.

DIVISION TWO (Continued)

B109995 People (Not for Publication)
v.
Ramos et al.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

B120551 Brifman et al., (Not for Publication)
v.
Civil Service Employees Insurance Company

The judgment is affirmed.

Boren, P.J.

We concur: Zebrowski, J.
Mallano, J. (Assigned)

B132344 People (Not for Publication)
v.
Weathermon

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

DIVISION THREE

B118461 People (Not for Publication)
v.
Jaime Arguelles

The judgment is affirmed as modified. The trial court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B108348 Jaime Scott Enyart (Certified for Partial Publication)
v.
City of Los Angeles and Thomas J. Miller

The judgment is reversed. The trial court is directed to enter judgment in favor of the City and Miller on the conversion claim, and in favor of the City on the loan for use claims, in accordance with the principles set forth in this opinion. The City and Miller are to recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B131897 People (Not for Publication)
v.
Anthony David Gibson

The judgment is affirmed. The abstract of judgment is ordered corrected to reflect the \$200 parole revocation fine imposed by the trial court.

Klein, P.J.

We concur: Kitching, J.
 Schneider, J. (Assigned)

November 29, 1999-Continued

DIVISION THREE (Continued)

B128960 People (Not for Publication)
v.
Jose Dejesus Aguilar

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B130939 People (Not for Publication)
v.
Alex K.

The appeal is dismissed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B125164 People
v.
Cleotis Soil

Filed order vacating submission order of August 10, 1999, due to the press of other court business and the complexity of the issues in this case. Cause resubmitted.

DIVISION FOUR

B126166 People (Certified for Partial Publication)
v.
Martinez

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B134589 Keith M., et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petitions for writ of mandate are denied. The stay of the section 366.26 hearing is vacated.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B131470 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Michelle C.

The order terminating appellant's parental rights is affirmed.

Vogel (C.S.), P.J.

We concur: Curry, J.
Dau, J. (Assigned)

DIVISION FOUR (Continued)

B125267 Hofstadter (Not for Publication)
v.
PNL Asset Mgt.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B130592 Lanz (Not for Publication)
v.
Santa Monica Rent Control

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

DIVISION FIVE

B116478 Thavee Thienmanee et al. (Not for Publication)
v.
Nissan Motor Corporation, U.S.A., et al.

The judgment is affirmed. Each party to bear their own costs.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION FIVE (Continued)

B125031 Juan Miguel Bigornia (Not for Publication)
 v.
 University of La Verne

The judgment is reversed and the trial court is directed to enter a new and different order overruling (1) respondent's demurer to appellant's third amended complaint alleging breach of a written and of an implied contract, restitution, and violation of Business and Professions code section 17200, and (2) respondent's demurrer to appellant's fourth amended complaint alleging violations of the Unruh Civil Rights Act and Title IX, breach of a partly written and partly oral contract, and negligence. The matter is remanded to the trial court for further proceedings. Appellant to recover his costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B125288 KNB Enterprises (Not for Publication)
 v.
 Infinity On-Line, et al.

The judgment is affirmed.

Godoy Perez, J.

I concur: Turner, P.J.
I dissent: Armstrong, J. (Opinion)

DIVISION SIX

B126065 People (No Change In Judgment)
 v.
 Duarte

Filed order modifying opinion & denying rehearing.

DIVISION SEVEN

B113255 Conrad
 v.
 Rosenthal

Filed order denying petition for rehearing.